

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #99-AR-6

The proposed annexation of
territory in **Larkin Charter Township**
into the **City of Midland**.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter of the proposed annexation of territory in Larkin Charter Township, into the City of Midland, is described as follows:

Beginning at a point 1155 feet north of the southeast section corner of section 33, T15N, R3E, Midland County, Michigan; thence west 264 feet, north 165 feet, west 80 feet, south 283.5 feet, east 80 feet, south 165 feet, west 175 feet, south 234 feet, east along the northerly right-of-way line of the US-10 Service Drive to the east line of section 33, north to the point of beginning.

SUMMARY OF PROCEEDINGS

On **October 5, 1999**, a petition was filed by the City of Midland asking for the annexation of a portion of Larkin Charter Township into the City of Midland.

On **October 7, 1999**, an adjudicative meeting of the State Boundary Commission was held in Okemos to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.

On **November 18, 1999**, a public hearing was held in Larkin Charter Township to receive testimony given pursuant to Public Act 191 of 1968, as amended.

On **February 10, 2000**, at an adjudicative meeting held in Okemos, State Boundary Commissioners VerBurg, Rutledge, and Walker and Midland County Boundary Commissioner Wolfgang voted in favor of a motion to recommend that the Director of the Department of Consumer & Industry Services approve the annexation.

On **April 13, 2000**, at an adjudicative meeting held in Okemos, State Boundary Commissioners Walker and Rutledge and Midland County Boundary Commissioner

Wolfgang voted in favor of a motion to recommend approval of the Draft Findings of Fact and Conclusions of Law, as amended, and to recommend that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation petition and adopting the Findings of Fact and Conclusions of Law.

INFORMATION FROM THE RECORD

1. The City stated that annexation of the subject 3.73 acres was desired because this annexation would eliminate an enclave that causes confusion as to which governmental unit is responsible for police and fire protection. Additionally, the area proposed for annexation is part of the Midland Urban Growth Area (M.U.G.A.) established by an agreement between the City of Midland and Larkin Charter Township. The area proposed for annexation is within the M.U.G.A. and designated as property the City and the Township agree should be annexed to City.
2. Larkin Charter Township testified that the Township was not opposed to the annexation.
3. Residents of the subject area did not testify for or against the proposed annexation.
4. Other parts of the record show:
 - * A 16-inch city water main fronts the subject property and the City has the capacity to service this property.
 - * Well water quality in the subject area is poor.
 - * City sanitary sewer service is scheduled to be available to the subject property in September of 2001.
 - * The City millage rate is 12.12 and the Township millage rate is 1.00.

FINDINGS OF FACT

1. The past and probable future urban growth, including population increases and business, commercial and industrial development, warrant annexation of the subject property at this time.
2. Topography and natural boundaries and drainage basins do not impact on the decision to annex.
3. The Larkin Township Board of Trustees is not opposed to annexation of the subject property.

4. The City of Midland and Larkin Charter Township have entered into a land use agreement that includes the subject area becoming part of the City.
5. Annexation of the subject property would address the need for organized Community services, the cost and adequacy of governmental services, and the probable future need for services.

CONCLUSIONS OF LAW

The record of this docket, in accordance with the criteria stipulated under Section 9 of the Public Act 191 of 1968, as amended, supports the Commission's recommendation that the Director of the Department of Consumer & Industry Services sign the attached Order approving the annexation petition and adopting the Findings of Fact and Conclusions of Law.


Kenneth VerBurg, Chairperson, State Boundary Commission

May 11, 2000
Date

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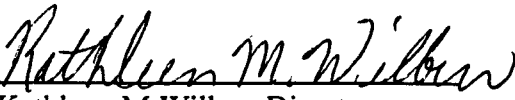
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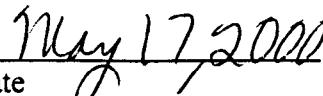
FINAL ORDER

IT IS ORDERED THAT this petition for annexation of certain territory in Larkin Charter Township into the City of Midland be approved.

IT IS FURTHER ORDERED THAT the attached Findings of Fact and Conclusions of Law and this Order shall be effective thirty days after the Director of the Department of Consumer and Industry Services signs the Order.

IT IS FURTHER ORDERED THAT the Manager of the State Boundary Commission shall transmit a certified copy of this Order and the attached Findings of Fact and Conclusions of Law to the petitioner and to the clerks of the City of Midland, Larkin Charter Township and Midland County.


Kathleen M. Wilbur, Director
Michigan Department of Consumer & Industry
Services


Date